IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1897 OF 2004

R.V.Kopikar .. Petitioner
Vs.
Buildwell Co-op. Housing
Society Ltd. & Anr. .. Respondents.

Mr.B.Unnikrishnan for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 25TH FEBRUARY, 2005

P.C.:

. Heard Mr.Unnikrishnan, learned counsel for the petitioner.

2. This petition is directed against the concurrent findings recorded by the courts below by which the application filed by the respondent-disputants has been allowed and the petitioner was ordered to stop use of the suit garage for commercial purpose, pending dispute. The injunction is running against the petitioner since 6th March, 2003. I am informed that the petitioner has stopped such use of the garage since the date of order passed by the Co-operative Court. Keeping that in view and considering that there are concurrent

findings recorded by the courts below, in my opinion, the appropriate course would be to direct the Co-operative Court to dispose of the dispute filed by the respondent-disputant within time frame. At this stage Mr.Unnikrishnan, learned counsel for the petitioner submits that the petitioner desires to raise an issue of jurisdiction and the petitioner would not have any objection if such issue is decided with all other issues in the dispute. Considering the overall facts and circumstances of the case and keeping in view submissions of Mr.Unnikrishnan the following order shall meet the ends of justice:

. The Co-operative Court will endeavour to decide dispute bearing Case No.340 of 2002 as expeditiously as possible and preferrably within a period of nine months from the date of receipt of this order. It is open for the petitioner to raise the issue of jurisdiction before the Co-operative Court. The Co-operative Court shall decide the dispute on merits in accordance with law and uninfluenced by the observations made in the impugned orders.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)